IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23154 of 2004

Between:

1 Mahamood Khan S/o late Mohammed Khan
R/o H. No. 21-4-46/47, Hussainialam, Hyderabad
2 Mohammed Yahya Khan S/o Late Mohammed Khan,
R/o H. No. 21-4-46/47, Hussainialam, Hyderabad
3 Esa Khan S/o Late Mohammed Khan,
R/o H. No. 21-4-46/47, Hussainialam, Hyderabad

..... PETITIONERS

AND

1 The Station House Officer, Jeedimetla Police Station,
Cyberabad, Ranga Reddy District.
2 The Commissioner of Police, Cyberabad, Ranga Reddy

District.
3 Mohammed Sadiq Hussain, S/o. Khasim Saheb,
R/o. H. No. 31-194, Bagath Sing Nagar, IDA Jeedimetla,

Qutubullapur municipality, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari, calling for the records relating to crime No. 586 of 2004 of Jeedimetla Police Station, Cyberabad, Ranga Reddy District and quash the same.

Counsel for the Petitioners:MR.C.DAMODAR REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent.3 : None appeared.

The Court at the admission stage made the following :

ORDER:

The petitioners seek a writ of Certiorari calling for the records relating to Crime No.586 of 2004 of Jeedimetla Police Station, Cyberabad, Rangareddy District, and to quash the same.

The 3rd respondent submitted a complaint against the petitioners before the Court of Judicial First Class Magistrate, Medchal, alleging certain acts against the petitioners. The learned Magistrate, in turn, referred the complaint to the 1st respondent under Section 156(3) of the Code of Criminal Procedure (for short 'Cr.P.C.').

The petitioners allege that the subject matter of the complaint is outside the jurisdiction of the 1st respondent and the dispute is purely civil in nature. Certain developments that are said to have taken place before and after submission of the complaint are narrated in the affidavit filed in support of the writ petition.

Sri C.Damodar Reddy, learned counsel for the petitioners, submits that the proceedings in Crime No.586 of 2004 are liable to be quashed for the reason that the subject matter is outside the territorial jurisdiction of the 1st respondent and that the dispute thereunder is purely civil in nature.

Learned Government Pleader for Home, on the other hand, submits that the truth or

otherwise of the allegations contained in the complaint needs to be established during the course of investigation and trial and there do not exist any grounds warranting quashing of the said proceedings.

It is not in dispute that the proceedings, which are sought to be quashed, were initiated on the strength of a complaint filed by the 3rd respondent under Section 200 Cr.P.C. before the Judicial First Class Magistrate, Medchal. The learned Magistrate, in turn, directed investigation under Section 156(3) Cr.P.C. The scope of the powers of Magistrate in relation to a complaint received under Section 200 Cr.P.C. as well as the nature of interference by this Court in such proceedings was dealt with by this Court in a judgment, dated 08.12.2004, rendered in W.P.No.22149 of 2004 and batch. After discussing the relevant provisions and decided cases, it was held that where the investigation is undertaken by police on being required by a Magistrate, and if any party feels aggrieved by such investigation, the grievances have to be brought to the notice of the Magistrate concerned, before approaching this Court under Article 226 of the Constitution of India. It was also held that if the Magistrate finds that the complaint received by him under Section 200 Cr.P.C. or the steps taken thereon are incompatible for any reason, he can issue suitable directions or pass orders, as may be necessary.

Following the same, the writ petition is disposed of, leaving it open to the petitioners to approach the Judicial First Class Magistrate, Medchal, pointing out their grievances. As and when such applications are filed, the learned Magistrate shall take them into account and pass appropriate orders. There shall be no order as to costs.

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L.NARASIMHAREDDY,J.

Date:

Jsu

To

1 The Station House Officer, Jeedimetla Police Station,
Cyberabad, Ranga Reddy District.

2 The Commissioner of Police, Cyberabad, Ranga Reddy

District.
3 2 CCs to the G.P. for Home, High Court Buildings,

Hyderabad. (O.U.T)

4 2CD copies.